IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.563 of 1981

Date of Decision : 04.07.2007

Iqbal Singh .....Appellant

versus

Rabinder Singh & others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.Onkar Singh, Advocate, for
Mr.A.S.Cheema, Advocate for the appellant.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

The defendant is in second appeal aggrieved against the judgment and decree passed by the Courts below whereby suit filed by Rabinder Singh claiming the estate of Kanwaljit Kaur, was decreed.

Kanwaljit Kaur is the daughter of the plaintiff, who had died issueless. She inherited 1/18th share of the total 265 kanals 9 marlas of land owned by Shivdev Kaur. Shivdev Kaur died leaving behind 4 sons and 2 daughters including Kuldip Kaur, mother of Kanwaljit Kaur. Kuldip Kaur was married to the plaintiff Rabinder Singh and one son and two daughters were born out of the said wedlock. Therefore, 1/6th share of Kuldip Kaur was inherited to the extent of 1/18th share each by one son and two daughters including Kanwaljit Kaur.

The suit filed by the plaintiff was decreed holding that the plaintiff is entitled to estate of Kanwaljit Kaur under Section 15 (1) of the Hindu Succession Act, 1956 (hereinafter referred to as the Act). The appeal

filed by the defendant, one of the sons of Shivdev Kaur, was dismissed. Still aggrieved, the defendant is in second appeal.

The sole argument raised by the appellant is that since Kanwaljit Kaur has inherited the estate from her mother, therefore, the father is not entitled to any share of the estate of Kanwaljit Kaur and it has to be inherited by her brother and sisters under Sub Section 2 of Section 15 of the Act. However, the said argument is not available to the appellant. The inter se dispute regarding estate of Kanwaljit Kaur cannot be raised by the appellant whose share is not effected by the judgment and decree. The dispute amongst the legal heirs cannot be espoused by the appellant. None of the heirs of Kanwaljit Kaur are aggrieved against the distribution of the shares, therefore, I do not find any illegality or irregularity in the findings recorded by the Courts below which may raise any substantial question of law in second appeal for consideration of this Court.

The appeal stands dismissed.

04-07-2007 (HEMANT GUPTA)
*mohinder JUDGE